

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use by the Clerk of Court for the purpose of initiating the civil docket sheet.

14-CV-3537
MAY 16 2014

JUDGE GARDEPHE
PLAINTIFFS
Pamella Hosang

DEFENDANTS
Paul W. Franck, Franck's Pharmacy, Inc., Wells Pharmacy Network, LLC,
Franck's Lab, Inc., Individually and D/B/A Franck's Compounding Lab

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)
GABRIELE & MARANO, LLP
100 Quentin Roosevelt Blvd., P.O. Box 8022, Garden City, New York 11530
(516) 542-1000

ATTORNEYS (IF KNOWN)
LAW OFFICES OF MICHAEL E. PRESSMAN, for Franck's Pharmacy, Inc.,
125 Maiden Lane, 17th Floor, New York, New York 10038
(212) 480-3030

**CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)**

28 U.S.C. 1441, 1446, and 1332. Products liability action in State Court. Seeking removal to Federal Court.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously Assigned

If yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [X] IN ONE BOX ONLY)

NATURE OF SUIT

		TORTS		ACTIONS UNDER STATUTES	
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
[] 110 INSURANCE	[] 310 AIRPLANE	[] 367 HEALTHCARE/	[] 625 DRUG RELATED	[] 422 APPEAL	[] 375 FALSE CLAIMS
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	PHARMACEUTICAL PERSONAL	SEIZURE OF PROPERTY	28 USC 158	[] 400 STATE
[] 130 MILLER ACT	LIABILITY	INJURY/PRODUCT LIABILITY	[] 365 PERSONAL INJURY	[] 423 WITHDRAWAL	[] 410 ANTITRUST
[] 140 NEGOTIABLE INSTRUMENT	[] 320 ASSAULT, LIBEL & SLANDER	PRODUCT LIABILITY	21 USC 881	28 USC 157	[] 430 BANKS & BANKING
[] 150 RECOVERY OF OVERPAYMENT & ENFORCEMENT OF JUDGMENT	[] 330 FEDERAL EMPLOYERS' LIABILITY	[] 368 ASBESTOS PERSONAL INJURY	[] 690 OTHER	PROPERTY RIGHTS	[] 450 COMMERCE
[] 151 MEDICARE ACT	[] 340 MARINE	PRODUCT LIABILITY		[] 820 COPYRIGHTS	[] 460 DEPORTATION
[] 152 RECOVERY OF DEFANTED STUDENT LOANS (EXCL VETERANS)	[] 345 MARINE PRODUCT LIABILITY	PERSONAL PROPERTY		[] 830 PATENT	[] 470 RACKETEER INFLUENCED & CORRUPT ORGANIZATION ACT (RICO)
[] 153 RECOVERY OF OVERPAYMENT OF VETERAN'S BENEFITS	[] 350 MOTOR VEHICLE	[] 370 OTHER FRAUD		[] 840 TRADEMARK	[] 480 CONSUMER CREDIT
[] 160 STOCKHOLDERS SUITS	[] 355 MOTOR VEHICLE PRODUCT LIABILITY	[] 371 TRUTH IN LENDING		SOCIAL SECURITY	[] 490 CABLE/SATELLITE TV
[] 190 OTHER CONTRACT CONTRACT PRODUCT LIABILITY				[] 860 HIA (1395ff)	[] 850 SECURITIES/ COMMODITIES/ EXCHANGE
[] 195 FRANCHISE	ACTIONS UNDER STATUTES	PRISONER PETITIONS	LABOR	[] 862 BLACK LUNG (923)	
[] 196	CIVIL RIGHTS	[] 463 ALIEN DETAINEE	[] 710 FAIR LABOR STANDARDS ACT	[] 863 DIVC/DIWV (405(g))	
REAL PROPERTY	[] 440 OTHER CIVIL RIGHTS (Non-Prisoner)	[] 510 MOTIONS TO VACATE SENTENCE	[] 720 LABOR/MGMT RELATIONS	[] 864 SSID TITLE XVI	[] 890 OTHER STATUTORY ACTIONS
[] 210 LAND CONDEMNATION	[] 441 VOTING	28 USC 2255	[] 740 RAILWAY LABOR ACT	[] 865 RSI (405(g))	[] 891 AGRICULTURAL ACTS
[] 220 FORECLOSURE	[] 442 EMPLOYMENT		[] 751 FAMILY MEDICAL LEAVE ACT (FMLA)	FEDERAL TAX SUITS	
[] 230 RENT LEASE & EJECTMENT	[] 443 HOUSING/ ACCOMMODATIONS	[] 530 HABEAS CORPUS	[] 790 OTHER LABOR	[] 870 TAXES (U.S. Plaintiff or Defendant)	[] 893 ENVIRONMENTAL MATTERS
[] 240 TORTS TO LAND	[] 445 AMERICANS WITH DISABILITIES - EMPLOYMENT	[] 535 DEATH PENALTY	LITIGATION	[] 871 IRS-THIRD PARTY	[] 895 FREEDOM OF INFORMATION ACT
[] 245 TORT PRODUCT LIABILITY	[] 446 AMERICANS WITH DISABILITIES - OTHER	[] 540 MANDAMUS & OTHER	26 USC 7609	SECURITY ACT	[] 896 ARBITRATION
[] 290 ALL OTHER REAL PROPERTY	[] 448 EDUCATION				[] 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
					[] 950 CONSTITUTIONALITY OF STATE STATUTES

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23

DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint

JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

<input type="checkbox"/> 1 Original Proceeding	<input checked="" type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment
<input type="checkbox"/> a. all parties represented						
<input checked="" type="checkbox"/> b. At least one party is pro se.						

(PLACE AN X IN ONE BOX ONLY)

1 U.S. PLAINTIFF 2 U.S. DEFENDANT 3 FEDERAL QUESTION 4 DIVERSITY
(U.S. NOT A PARTY)

IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	DEF <input type="checkbox"/> 2 <input type="checkbox"/> 2	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF <input type="checkbox"/> 3 <input type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF <input type="checkbox"/> 5 <input type="checkbox"/> 5	DEF <input type="checkbox"/> 6 <input checked="" type="checkbox"/> 6
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 12 <input type="checkbox"/> 12		INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 14 <input type="checkbox"/> 14	FOREIGN NATION	<input type="checkbox"/> 16 <input type="checkbox"/> 16	

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Pamella Hosang
200 East 17th Street
Apt. 2E
New York, New York 10003
New York County, New York

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Paul W. Franck, Franck's Pharmacy, Inc., Franck's Lab, Inc., Individually and D/B/A as Franck's Compounding Lab, 202 SW 17th Street, Ocala, Florida 34471-8138, Marion County, Florida
Wells Pharmacy Network, LLC
3420 Fairlane Farms Road, Suite 300, Wellington, Florida 33141, Palm Beach County, Florida

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 5-14-2014 SIGNATURE OF ATTORNEY OF RECORD 

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO

 YES (DATE ADMITTED Mo. July Yr. 78)Attorney Bar Code # 1440

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATE _____

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

RUBY J. KRAJICK